

# **ZONING BOARD OF REVIEW**

**Barrington, Rhode Island**

**March 17, 2011**

**APPLICATIONS: #3615 and 3617**

## **MINUTES OF THE MEETING:**

**At the call of the Chairman, Thomas Kraig, the Board met with Paul Blasbalg, Peter Dennehy, David Rizzolo and Stephen Venuti.**

**Also present was solicitor Andrew Teitz and Building Official Robert Speaker.**

**At 7:16 P.M. Mr. Kraig opened the meeting, having awaited the arrival of applicant Robert MacLea, and the Board proceeded to hear the following matters. At 8:40 P.M. the public participation portion of the meeting was closed.**

**Continuation of application #3615, Andrew Tolley and Elizabeth McGowan, 49 Barnsdale Road, East Providence, RI 02914, applicants, Richard and Joanne Webber, 43 Woodbine Avenue, Barrington, RI 02806, owners, for permission to construct a two-story addition, a one-story garage and a porch; Assessor's Plat 1, Lot 212, R-10 District, 43 Woodbine Avenue, Barrington, RI 02806, requiring relief**

for front yard setback, rear yard setback, and for being within 100 feet of a wetlands/waterbody.

Mr. Kraig read into the record an email from the applicant requesting the matter be continued to the May meeting.

**MOTION:** Upon a motion by Mr. Venuti, with a second by Mr. Dennehy, the Board unanimously (5-0) voted to continue the application to the May 19, 2011 meeting.

Application #3617, Robert MacLea III, 35 Knapton Avenue, Barrington, RI 02806, applicant and owner, for permission to add a second floor over the existing building, add a two-story addition, add a deck and a covered porch; Assessor's Plat 23, Lot 231, Neighborhood Business Zone, 254 Waseca Avenue, Barrington, RI 02806, requiring dimensional relief for front yard setback and side yard setback.

**Present:** Robert & Lori MacLea III, 35 Knapton Avenue, Barrington, RI

**In the audience:**

Richard Kirby, attorney, 243 N. Main Street, Providence, RI

James M. Sloan IV, real estate consultant, 1309 Turk Head Bldg, Providence, RI

Dr. Peter Oppenheimer, 260 Waseca Avenue, Barrington, RI

**The following items were submitted as exhibits:**

**„« Qualification for James M. Sloan IV**

**„« Real Estate Summary prepared by Mr. Sloan**

**The applicants explained that they currently utilize the property at 254 Waseca Avenue as rental property; however, they are seeking to downsize, selling their current home and using the Waseca Avenue house as their residence. The current Waseca Avenue house is a small one bedroom, one bathroom home with a marginally functional second floor, with the ceiling not high enough to permit Mr. MacLea to stand up. The applicants are seeking to create a second floor addition over the existing home as well as to add a two-story addition alongside and behind the existing house, a rear deck behind the proposed rear addition to the house, and a covered porch in the front of the house. Zoning relief is required for the front setback because the existing house is too far back from the front lot line, although the proposed porch will bring the house less out of conformity with the ordinance. In addition, the addition over the existing house will be too close to the sideyard line, although no closer than the existing house is. Finally, the two-story addition behind the house would be within the sideyard setback. It was noted that the owners had been before the Board in the past (February 2007) and had received approval at that time; however, the approval period had expired; therefore, they were re-applying for approval.**

**The Board asked the applicant if he had considered reconfiguring the**

proposal, such as moving the rear portion of the new, two-story addition farther east, so there would be less impact on the setbacks, noting that without a layout of existing interior conditions it was difficult to determine where a hardship came into play. The applicants stated that they could knock down the existing house and rebuild it within the required setbacks; however, that was not the most desirable proposal. The Board noted that the zoning ordinance would permit construction of a house approximately 20' wide by 90' deep and 35' high. The Board strongly felt that they needed more information regarding overall height and layout in order to clearly evaluate the application.

Mr. Kirby represented Dr. Oppenheimer, an abutting neighbor who objected to the proposal. Their biggest concern would be the impact the second floor addition over the existing house would have on the waiting rooms of Dr. Oppenheimer's office, which are on the that side of his building. The effect of that portion of the addition would be to create a higher structure on that portion of the existing house that is closest to Mr. Oppenheimer's building; in the abutter's opinion, that greater height would substantially reduce the light, air and view from Dr. Oppenheimer's offices. Mr. Sloan also expressed the opinion that the massing of the proposed new structure would adversely affect Dr. Oppenheimer's property. Mr. Sloan, a real estate consultant, asserted that if the proposed additions were built, it would reduce the value of Dr. Oppenheimer's property by 5-10%. Dr. Oppenheimer also stated that it is his belief, based on his hand

measurements, that the applicant's house is currently five feet from the property line, not six feet, as is listed on the application.

The Board suggested continuing the application in order to give the applicant the opportunity to provide more information for the Board's consideration. The Board suggested the following items be submitted no later than April 11, 2011:

„« A plan of the existing conditions with the interior layout drawn to scale, also showing interior heights on the second floor

„« Clarification of the height of both the existing house and the proposed additions

„« Any relevant information relating to the property lines on the side of the property adjacent to Dr. Oppenheimer's building, preferably a new or existing survey

**MOTION:** Mr. Venuti moved to continue the application to the April 21, 2011 meeting.

Mr. Dennehy seconded the motion and it carried unanimously (5-0).

#### **MINUTES OF THE PREVIOUS MEETING:**

A motion was made by Mr. Dennehy and seconded by Mr. Blasbalg to accept the February 17, 2011 Zoning Board of Review minutes as written. The motion carried unanimously (5-0).

#### **ADJOURN:**

There being no other business, Mr. Venuti moved to adjourn at 8:42

**P.M. Mr. Dennehy seconded the motion and the meeting was adjourned.**

**Respectfully submitted,**

**Valerie Carroll, Secretary**

**Thomas Kraig, Chairman**

**cc: Andrew Teitz, Solicitor**